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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,193	03/02/2004	Minoru Hiragaki	K-2153	3116

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KANESAKA AND TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314

EXAMINER
PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,193

Applicant(s)

HIRAGAKI, MINORU

Examiner

David J. Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-2-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



Detailed Action

Preliminary Amendment

1. Entry of applicant's preliminary amendment dated 3-2-04 into the application file is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it begins with an implied statement.

Correction is required. See MPEP § 608.01(b).

Drawings

4. Figure 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 1 recites the limitation "the fixing means" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the space section in the lid body" in line 8s. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 is objected to because of the following informalities: the term "hallow" in line 27 should be - -hollow- -. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: the term "hallow" in line 2 should be - -hollow- -. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,230,456 to Henze in view of U.S. Patent No. 3,760,527 to Hamren.

Referring to claim 1, Henze discloses a fishing gear comprising a cylindrical accommodation main body – at 6, in which a cavity section is formed internally – see at the inner portion of item 6 in figures 1 and 4, a bottom section – at 7,22, provided on a side section thereof – see for example figures 1 and 4, and an opening section – proximate item 8, provided on the other side section – see for example figures 1 and 4, a lid body – at 9, provided freely detachably on an opening section of the accommodation main body through the fixing means – at 8 – see for example figures 1 and 4, and plural weight bodies – at 14-23, accommodated in the cavity section of the accommodation main body – see for example figures 1 and 4, and the space section in the lid body – see for example figure 4, wherein the lid body is formed substantially conically – see figures 1 and 4, such that it is narrowed gradually from the opening section – proximate 8, of the accommodation main body – see for example figures 1 and 4, a first inner cylindrical member – at 11, is provided in the center of the cavity section in the accommodation main body toward the lid body so that an end section thereof is in contact with the bottom section – at 7,22, in the accommodation main body – see for example figures 1 and 4, a portion of the

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cylindrical member is provided in the center of the space section in the lid body toward the accommodation main body so that it is in contact with the end section of the substantially conical section of the lid body – see for example figures 1 and 4, and a connection fishing line – at 13, is passed through the inner cylindrical member freely movably so that both the end sections of the connection fishing line are brought out of the outer end sections of the accommodation main body – at 6 and the lid body – at 9 – see for example figures 1 and 4. Henze does not disclose a predetermined separation gap is formed between the other end of the second inner cylindrical member and the other end section of the first inner cylindrical member thereby preventing both the other end sections from making contact. Hamren does disclose a predetermined separation gap is formed between the other end of the second inner cylindrical member – at 37, and the other end section of the first inner cylindrical member – at 14, thereby preventing both the other end sections from making contact – see for example figure 2 and column 2 lines 63-67.

Therefore it would have been obvious to one of ordinary skill in the art to take the device of Henze and add the first and second cylindrical members being spaced from one another so as to allow for the cylindrical members to be movably positioned with respect to each other.

Referring to claim 2, Henze discloses a fishing gear comprising a cylindrical accommodation main body – at 6, in which a cavity section is formed internally – see at the inner portion of item 6 in figures 1 and 4, a bottom section – at 7,22, provided on a side section thereof – see for example figures 1 and 4, and an opening section – proximate item 8, provided on the other side section – see for example figures 1 and 4, a lid body – at 9, provided freely detachably on an opening section of the accommodation main body through the fixing means – at 8 – see for example figures 1 and 4, and plural weight bodies – at 14-23, accommodated in the cavity

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section of the accommodation main body – see for example figures 1 and 4, and the space section in the lid body – see for example figure 4, wherein the lid body is formed substantially conically – see figures 1 and 4, such that it is narrowed gradually from the opening section – proximate 8, of the accommodation main body – see for example figures 1 and 4, a first inner cylindrical member – at 11, is provided in the center of the cavity section in the accommodation main body toward the lid body so that an end section thereof is in contact with the bottom section – at 7,22, in the accommodation main body – see for example figures 1 and 4, a portion of the cylindrical member is provided in the center of the space section in the lid body toward the accommodation main body so that it is in contact with the end section of the substantially conical section of the lid body – see for example figures 1 and 4, and a connection fishing line – at 13, is passed through the inner cylindrical member freely movably so that both the end sections of the connection fishing line are brought out of the outer end sections of the accommodation main body – at 6 and the lid body – at 9 – see for example figures 1 and 4, and protective member – see the curved portions at the top and bottom of the cylindrical section – at 11, is engaged with the connection fishing line protruded from the side of the accommodation main body – see for example figures 1 and 4. Henze does not disclose the connection fishing line is provided with a means for restricting a move of the connection fishing line in the length direction thereof at the bottom section of the accommodation main body. Hamren does disclose the connection fishing line – at 18, is provided with a means for restricting – at 14,20, a move of the connection fishing line in the length direction thereof at the bottom section of the accommodation main body – at 26. Therefore it would have been obvious to one of ordinary skill in the art to take the device of

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Henze and add the fishing line restricting means of Hamren, so as to allow for the movement of the fishing line to be controlled.

Referring to claim 3, Henze discloses a fishing gear comprising a cylindrical accommodation main body – at 6, in which a cavity section is formed internally – see at the inner portion of item 6 in figures 1 and 4, a bottom section – at 7,22, provided on a side section thereof – see for example figures 1 and 4, and an opening section – proximate item 8, provided on the other side section – see for example figures 1 and 4, a lid body – at 9, provided freely detachably on an opening section of the accommodation main body through the fixing means – at 8 – see for example figures 1 and 4, and plural weight bodies – at 14-23, accommodated in the cavity section of the accommodation main body – see for example figures 1 and 4, and the space section in the lid body – see for example figure 4, wherein the lid body is formed substantially conically – see figures 1 and 4, such that it is narrowed gradually from the opening section – proximate 8, of the accommodation main body – see for example figures 1 and 4, a first inner cylindrical member – at 11, is provided in the center of the cavity section in the accommodation main body toward the lid body so that an end section thereof is in contact with the bottom section – at 7,22, in the accommodation main body – see for example figures 1 and 4, a portion of the cylindrical member is provided in the center of the space section in the lid body toward the accommodation main body so that it is in contact with the end section of the substantially conical section of the lid body – see for example figures 1 and 4, and a connection fishing line – at 13, is passed through the inner cylindrical member freely movably so that both the end sections of the connection fishing line are brought out of the outer end sections of the accommodation main body – at 6 and the lid body – at 9 – see for example figures 1 and 4. Henze does not disclose a

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predetermined separation gap is formed between the other end of the second inner cylindrical member and the other end section of the first inner cylindrical member thereby preventing both the other end sections from making contact. Hamren does disclose a predetermined separation gap is formed between the other end of the second inner cylindrical member – at 37, and the other end section of the first inner cylindrical member – at 14, thereby preventing both the other end sections from making contact – see for example figure 2 and column 2 lines 63-67.

Therefore it would have been obvious to one of ordinary skill in the art to take the device of Henze and add the first and second cylindrical members being spaced from one another so as to allow for the cylindrical members to be movably positioned with respect to each other. Henze further does not disclose the connection fishing line is provided with a means for restricting a move of the connection fishing line in the length direction thereof at the bottom section of the accommodation main body. Hamren does disclose the connection fishing line – at 18, is provided with a means for restricting – at 14,20, a move of the connection fishing line in the length direction thereof at the bottom section of the accommodation main body – at 26. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Henze and add the fishing line restricting means of Hamren, so as to allow for the movement of the fishing line to be controlled.

Referring to claim 4, Henze as modified by Hamren further discloses the top end of the connection fishing line – at 18, passed through the first inner cylindrical member – at 34,37, and the second cylindrical member – at 14, freely movably is connected to a line and a terminal tackle – at 20-22, attached to a leader – see proximate 20-22, is connected to the bottom end of the connection fishing line – see figures 1-6 of Hamren, and the connection fishing line, the line

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and the leader are connected straight to each other – see for example figures 1-6 of Hamren.

Henze as modified by Hamren does not disclose the line and the leader are made of fishing gut.

However, the use of fishing gut for use in fishing lines and leaders is well known to those of ordinary skill in the art and it would have been obvious to one of ordinary skill in the art to take the device of Henze as modified by Hamren and add the line and leader made of fishing gut, so as to allow for the device to be made more attractive to fish.

Referring to claim 5, Henze as modified by Hamren further discloses the inside diameter of the hollow section formed within the inner cylindrical member – at 34,37, of Hamren, is formed in a tapered form such that the inside diameter of the rear of the end section of the inner cylindrical member – at 34, is larger than the inside diameter of the front end section of the inner cylindrical member – at 37 – see for example figure 2 of Hamren.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing weights in general:

U.S. Pat. No. 1,771,125 to Kahle – shows fishing apparatus

U.S. Pat. No. 2,862,325 to Magnus – shows weighted fishing lure

U.S. Pat. No. 3,688,431 to Nichols et al. – shows weighted fishing device

U.S. Pat. No. 3,733,734 to Hysaw – shows fishing device

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U.S. Pat. No. 3,990,172 to Hagquist – shows fishing device

U.S. Pat. No. 4,458,439 to Garrett, Sr. – shows fishing device

U.S. Pat. No. 4,649,664 to Mahan – shows fishing device

U.S. Pat. No. 4,656,777 to Fernbach – shows fishing device

U.S. Pat. No. 5,381,622 to Tregre – shows weighted fishing device

U.S. Pat. No. 5,784,829 to Latta – shows fishing lure

U.S. Pat. No. 6,050,018 to Allen – shows fishing lure

U.S. Pat. No. Verdura Pares – shows weighted fishing device

GB Pat. No. 2166631 – shows weighted fishing device

EP Pat. No. 0519108 – shows fishing device

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

9/28/05